

December 2, 2016

Honorable Valerie E. Caproni
United States District Judge
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, New York, NY 10007

RE: Sanchez et. al. v. Burgers and Cupcakes LLC, 16-CV-3862

Dear Judge Caproni:

This Court requested the U.S. Department of Labor's views on an issue presented in the above-referenced case, which is currently pending before this Court: whether Rule 68(a) of the Federal Rules of Civil Procedure may be used to terminate a case under the Fair Labor Standards Act (FLSA) without any fairness determination by either the Court or the Department of Labor. The Department plans to submit a position on this matter and respectfully requests an additional 40 days to submit an amicus letter brief. This additional time is requested so that the Department can confer within the government regarding this matter.

Respectfully submitted,

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